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Attorneys for Plaintiff
Vinci Brands LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KATE SPADE LLC, *et al*,

Plaintiffs,

vs.

VINCI BRANDS LLC

Defendant.

Civil Action No. 1:23-CV-
05409-LGS

MOTION FOR LEAVE TO FILE

OPPOSITION BRIEF AND ACCOMPANYING EXHIBITS UNDER SEAL

Defendant Vinci Brands LLC (“Defendant” or “Vinci”), by its attorneys, Benesch Friedlander Coplan & Aronoff, for its Motion to File its Memorandum in Opposition of Plaintiffs’ Motion for Preliminary Injunction and Temporary Restraining Order (“Opposition Brief”) and Accompanying Exhibits Under Seal, states as follows:

1. On June 26, Plaintiffs filed their Complaint against Vinci and shortly thereafter, filed its Application for Preliminary Injunction and Temporary Restraining Order (the “Application”).
2. Vinci now seeks to submit an Opposition Brief.

3. Vinci's Opposition Brief includes a Declaration from Steve Latkovic, which attaches and references the License Agreement and its Sixth Amendment, which contain a confidentiality clause, as well as various exhibits containing Vinci's confidential and highly sensitive business information. Vinci's Opposition Brief also includes its Amended Complaint in the related Vinci Action (Case No. 1:23cv5138 also pending in the S.D.N.Y.)

4. Accordingly, Vinci respectfully requests that it be granted leave to file its Opposition Brief and any related exhibits under seal. Defendant requests that the proposed sealed Opposition Brief and its Accompanying Exhibits be limited to the following viewing level in this Court's electronic filing system: "Selected Parties" (see attached appendix for list of permitted parties who should have access to the proposed sealed documents).

5. Contemporaneously filed with this motion are the following documents: (a) Defendant's Memorandum of Law in Support of this Motion; (b) the Declaration of Michael Vatis; (c) Defendant's proposed sealed Opposition Brief; (d) proposed sealed exhibits to the Opposition Brief.

6. Defendant attaches the following to its Motion: a proposed Order to File its Opposition Brief and Accompanying Exhibits under seal, attached hereto as Exhibit A.

WHEREFORE, Defendant Vinci Brands LLC respectfully requests that this Court grant its Motion to File its Opposition Brief and Accompanying Exhibits under Seal and to enter the Proposed Order attached hereto as Exhibit A.

Dated: July 10, 2023

Respectfully submitted,

By: /s/ Michael Vatis
Michael Vatis

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2023, a copy of the foregoing was electronically filed. All counsel of record will be served via the Court's CM/ECF notification system.

/s/ Michael Vatis

Attorney for Defendant

APPENDIX

Those who should have access to Defendant's proposed sealed Opposition Brief and Accompanying Exhibits:

Michael Vatis for Defendant Vinci Brands LLC.

Christine B. Cesare, Nick Williamson, Jane Ernst, and Thomas Schell, for Plaintiffs Kate Spade, LLC and Coach Services, Inc.